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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/474,542 | 12/29/1999 | ELWYN B. DAVIES | 476-1884 | 2366 |

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EXAMINER

HA, YVONNE QUY M

ART UNIT

PAPER NUMBER

2697

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/474,542

Applicant(s)

DAVIES, ELWYN B.

Examiner

Yvonne Q. Ha

Art Unit

2697

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12-29-99 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Drawings

2. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Bertin et al. (US Patent 5,940,372).

Referring to claims 1, 7, and 8, Bertin discloses a method of operating a connectionless network (col. 5, line 12) to provide a priority routing service (col. 5, line 42-43 reserve the

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service by traffic type) for a network user having a plurality of customers communicating with said user via said network (figure 2, access nodes 202-205 connected to users/customers), the network comprising a plurality of network elements and links between (col. 7, line 1-35, and 48-53, figure 2), the method comprising: maintaining an express route comprising one or more said links between two end element (col. 6, line 23-25); at least one said end element arranged to identify data packets originating from said user (col. 5, line 13-15) and destined for a said customer (col. 5, line 15-19 route toward destination based on label; routing is bi-directional so it could be from user to customer or customer to user) or originating from a said customer and destined for said user (col. 5, line 15-19 route toward destination based on label; routing is bi-directional so it could be from user to customer or customer to user) and diverting said packets along said express route (col. 5, line 42-45 reserved bandwidth to provide the level of service required by the traffic type i.e. express route is a type of reserved bandwidth and bypassing congestion point; the level of service is also classified as express route).

Referring to claim 2, Bertin discloses all aspects of the claimed invention and further teaches a route is bi-directional, both said end elements being arranged to identify and divert said packets (col. 5, line 12, distributed routing for connectionless network is bi-directional where traffic is identified based on label and divert accordingly).

Referring to claim 3, Bertin discloses all aspects of the claimed invention and further teaches reserving bandwidth on said links forming said route (col. 5, line 39-40, bandwidth reservation is based on the level of service).

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Referring to claim 4, Bertin discloses all aspects of the claimed invention and further teaches a route has one end element adjacent or forming the network entry point of said user (col. 5, line 51-53).

Referring to claim 5, Bertin discloses all aspects of the claimed invention and further teaches diverting step comprises modifying a forwarding table within one said end element such that data packets having a destination address corresponding to said user are diverted along said route (col. 5, line 46-48, line 54-58, table is maintained of the network configuration and traffic load on the links, and the routing again is based of the level of service on reserved bandwidth).

Referring to claim 6, Bertin discloses all aspects of the claimed invention and further teaches filtering data packets within the other said end element such that data packets having a source address corresponding to said user are diverted along said route (col. 8, line 50-54, to calculate the optimum paths through the network with the level of service by the user, packets are diverted accordingly).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Jagannath et al. (US Patent 6,483,833) discloses method for transmitting label switching control information using OSPF opaque link state advertisement option protocol
- Rai et al. (US Patent 6,438,110) discloses reservation of connections in a communication network
- Ise et al. (US Patent 6,336,129) discloses packet transfer method and node device using resource reservation or priority transfer control without requiring virtual connection merging
- Kano et al. (US Patent 6,453,349) discloses apparatus and method for resource reservation in a network system


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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne Q. Ha whose telephone number is 703-305-8392. The examiner can normally be reached on Monday-Friday 7a.m.-4p.m. Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 703-305-4798. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3988 for regular communications and 703-305-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

YQH
January 16, 2003


RICKY NGO
PRIMARY EXAMINER